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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.04.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Habeas Corpus Petition No.47 of 2006

Pushpa ... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Chennai. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records of the second respondent in No.553/2005 dated 14.12.2005, quash the same and direct the detenu Ramesh @ Pulippu Ramesh detained in Central prison, Chennai to produce before this Court and set the detenu at liberty and to award cost and adequate compensation.

For Petitioner : Mr.V.Jeevagiridharan
For Respondents : Mr.Abudhukumar Rajarathinam
Govt. Advocate (Crl. Side)

O R D E R

(Order of the Court was made by P. SATHASIVAM, J.)

The petitioner, who is the mother-in-law of the detenu by name Ramesh @ Pulippu Ramesh , who was detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 14.12.2005, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner has submitted that though in the representation dated 02.01.2006 the petitioner has raised several grievances, the same have not been properly considered by the Government in their reply sent on 13.01.2006.

4. In the light of the said contention, we verified the contents of representation dated 02.01.2006 as well as the reply of the Government dated 13.01.2006. The reply of the Government makes it clear that they considered the past activities of the detenu and his involvement in six similar cases and taking note of the fact that his continuous presence would affect public order, arrived at a conclusion that the detaining authority was justified in passing the detention order. They also denied the allegations that all the adverse cases are foisted. With reference to the complaint that certain copies of documents are not readable, the Government directed the detaining authority to furnish clean copies thereof and it is not in dispute that those copies have been furnished to the detenu. However, learned counsel for the petitioner has submitted that in respect of the presence of contraband materials, the sponsoring authority has over-written and noted as 8.1. According to him, in the absence of an initial by the person concerned or any explanation therefor, the statement cannot be accepted.

5. We verified the relevant documents. As rightly pointed out, in the Analyst Report, after examination, it is certified that the arrack seized contained contraband to the extent of 8.1 and the same statement has been reiterated in the subsequent document. Accordingly, we do not find any substance in the contention raised by the learned counsel for the petitioner.

6. Finally, learned counsel for the petitioner, by drawing our attention to paragraph 4 of the grounds of detention, submitted that there is no imminent possibility for the detenu coming out on bail and hence, the detention order passed by the detaining authority is not warranted. We are unable to accept the said contention since the detaining authority was aware of the fact that on the date of the detention, the detenu was in remand under P.E.W., Poonamallee Unit Crime No.750/2005 and has also moved a bail application before the Chengalpattu District Principal and Sessions Court in Crl. M.P. No.15346/2005 and the same was pending. The detaining authority, taking note of all these aspects and after finding that there is most likely possibility of his coming out on bail and also in view of the fact

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that in similar cases bails are granted by the Sessions Court or the High Court and taking note of his past activities as well as the fact that if he comes out on bail he will indulge in further activities, which will be prejudicial to the maintenance of public health and order, has passed the impugned order of detention. We are satisfied that the detaining authority was possessed of the required details and only after his satisfaction, he has passed the impugned order of detention. Accordingly, we reject the second contention also.

7. In the light of what is stated above, we do not find any ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to the Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The Commissioner of Police, Greater Chennai, Chennai.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.V. Jeevagiridharan, Advocate SR No.16761

SMV(CO)
SR/12.4.2006

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